



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EXP GROUP, LLC.,

Plaintiff,

v.

LOS COMPADRES PRODUCTS CORP.
JOSEFA F. PEREZ and PABLO PEREZ,

Defendants.

Case No. 07-CIV-9847 (PAC)

ECF CASE

ORDER (2)

The Court having conducted a hearing on March 13, 2008 regarding the contempt of Josefa F. Perez that occurred after this Court's Order to Show Cause with temporary restraining order, dated November 8, 2007, and the subsequent Preliminary Injunction dated November 15, 2007, and

The Court having heard the testimony of Josefa F. Perez and her husband, Pablo Perez, regarding the failure of either Josefa F. Perez or Pablo Perez to obey the terms of the temporary restraining order and the preliminary injunction, and

The Court having heard testimony of Josefa F. Perez and Pablo Perez that supports the allegations by Plaintiff that Josefa F. Perez and Pablo Perez dissipated the trust *res* as established by the Perishable Agricultural Commodities Act, 7 U.S.C. 499 et seq, the "PACA," and

Counsel for Plaintiff and Defendants, Pablo Perez and Josefa F. Perez having agreed on the record that this case be settled and that the Court shall issue, on consent, the following order enforcing the terms of the settlement,

NOW, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The bail bondsman, Ira Judelson, is directed to make payment, from the posted bond of \$50,000.00, the sum of Twenty-Seven Thousand Five Hundred (\$27,500.00) Dollars to the order of the Plaintiff. Defendants and their counsel are to take all reasonable and necessary steps in order

to facilitate this payment. The remaining Twenty-Two Thousand Five Hundred (\$22,500.00) Dollars of the bond shall remain in place in order to secure the Defendants' obligation under Section 2 of this order.

2. Commencing May 15, 2008 and continuing on the fifteenth of each succeeding month, without interruption, for a period of eighteen (18) months, the Defendant shall pay to the Plaintiff the monthly sum of \$1,250.00 for a total of \$22,500.00. The obligation of the Defendants to the Plaintiff for payment of \$22,500.00 shall be secured by the balance of the \$50,000.00 performance bond.

3. By separate order the Court shall add the name of Pablo Perez to the caption of this case as a named Defendant.

4. The Court shall enter a judgment against Los Compadres, Josefa F. Perez and Pablo Perez in favor of the Plaintiff in the amount of \$190,943.54, that sum being the total of unpaid invoices (\$162,214.99) plus filing fee (\$350.00) plus service of process (\$858.55) plus attorney fees (\$20,000.00) plus prejudgment interest at the statutory rate of on nine (9%) percent (\$40.00 per day x 188 days – September 7, 2007 to March 13, 2008).

5. The payments set forth in paragraph 1 and 2 of this order are to be credited against the judgment described in paragraph 4 of this order.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul A. Crotty", is written over a horizontal line.

Paul A. Crotty
United States District Court Judge

Dated: New York, New York
March 26, 2008